

## REMARKS

In the Office Action mailed on July 7, 2006 (hereinafter "Office Action"), the Examiner took the following action: (1) rejected Claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Hart, U.S. Patent No. 6,832,540 (hereinafter "Hart"); (2) rejected Claims 1 and 5-8 under 35 U.S.C. § 102(e) as being anticipated by Marx et al., U.S. Patent No. 5,379,969 (hereinafter "Marx"); (3) rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hart in view of Koizumi, U.S. Patent No. 6,059,228 (hereinafter "Koizumi"); and (4) allowed Claims 9-10, 12-16, and 26-28.

The Examiner is thanked for acknowledging the subject matter of Claims 9-10, 12-16, and 26-28 as being allowable. With great respect to the analysis set forth in the Office Action, Applicant traverses the rejections, and submits that the remaining claims are now allowable over the references cited for the reasons explained in detail below.

### Claim Rejection: 35 U.S.C. § 102(e)

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,832,540 to Hart. Claims 1 and 5-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,379,969 to Marx et al.

Applicant's amended Claim 1 recites:

A locking actuator comprising:

a piston configured to be moved by a drive mechanism, the piston having a first end and a second end, the second end being configured to link to an apparatus to be driven by the actuator, the *piston defining a recess* originating proximal the first end;

a strut having a base and a tip, *the strut configured to at least partially nest within the recess*, the strut configured to hold at least one locking mechanism proximal to the tip;

at least one locking mechanism held by the strut, the at least one locking mechanism configured to move into a first position engaging the piston when the actuator is locked and configured to move to a second position not engaging the piston when the actuator is unlocked; and

*a shaft movably held within the strut*, the shaft extending from proximal the base of the strut to proximal the tip of the strut, the shaft being configured to move the at least one locking mechanism between the first position and the second position.

[Emphasis added.]

Applicant points to at least two distinguishing features between those recited above in Claim 1, and those contained in Hart, however, more distinguishing features may be present.

First, the structural configuration of Hart is dissimilar to that of Applicant's. The Examiner correctly notes that Hart indicates a piston (512) wherein element (544) provides linear movement to engage a locking mechanism (542a). However, Hart fails to teach, suggest, or disclose "the piston defining a recess[,] . . . the strut configured to at least partially nest within the recess[, and] . . . a shaft movably held within a strut," as recited in Claim 1. Therefore, Hart fails to teach the locking actuator taught in Claim 1 by Applicant, thus Claim 1 is allowable over Hart.

Second, the Applicant's respectfully disagree with the Examiner's reading of Claim 1 relating to the locking mechanism. In Hart, the locking mechanism (542a) travels relative to the piston (512) when the piston extends from position one to position two. This is true because the housing for the locking mechanism is contained within the piston in Hart. However, Applicant's locking mechanism is "held by the strut" as recited in claim 1. Therefore, Hart does not teach a locking mechanism that moves relative to the piston, as Hart discloses a locking mechanism that is housed within the piston. Stated another way, the locking mechanism disclosed in Hart follows the piston during the piston movement along its linear path because the locking mechanism is held by the piston.

Turning to Marx, Applicant reiterates the above two distinguishing factors, although further distinguishing factors may be present.

First, the structural configuration of Marx is dissimilar to that of Applicant's. The Examiner correctly notes that Marx indicates a piston (34) wherein element (LP locking piston) provides linear movement to engage a locking mechanism (lock bolt LB). However, Marx fails to teach, suggest, or disclose "the piston defining a recess[,] . . . the strut configured to at least partially nest within the recess[, and] . . . a shaft movably held within a strut," as recited in Claim 1. Therefore, Marx fails to teach the locking actuator taught in Claim 1 by Applicant, thus Claim 1 is allowable over Marx.

Second, the Applicant's respectfully disagree with the Examiner's reading of Claim 1 relating to the locking mechanism. In Marx, the locking mechanism (lock bolt LB) travels relative to the piston (34) when the piston extends from position one to position two. This is true because the housing for the locking mechanism is contained within the piston in Marx. However, Applicant's locking mechanism is "held by the strut" as recited in claim 1. Therefore, Marx does not teach a locking mechanism that moves relative to the piston, as Marx discloses a locking mechanism that is housed within the piston. Stated another way, the locking mechanism disclosed in Marx follows the piston during the piston movement along its linear path because the locking mechanism is held by the piston.

In sum, both the Hart and Marx fail to teach or suggest the elements recited by independent Claim 1. Claims 2-8 depend from Claim 1. Accordingly, these dependent Claims are patentable for at least the same reasons as Claim 1 from which each of them depends.

### CONCLUSION

For the foregoing reasons, Applicant respectfully submits that pending claims 1-10, 12-16, and 26-28 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: Oct. 5, 2006

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